

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, AUGUST 07, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Reese Nielsen Bill McGaha Joan Peterson Barbara Poelman	Vice-Chairman Commissioner Commissioner Commissioner
CITY STAFF:	Mark Teuscher Eliza McGaha	City Planner Administrative Secretary
EXCUSED:	Steve Hill Kevin Lane Miles Brown Lynda Berry Roger Handy Kathy Philpot	City Council Liaison Chairman Commissioner Alternate Alternate Alternate

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2651 / PUBLIC HEARING / DESIGN GUIDELINES FOR 1100 SOUTH / BRIGHAM CITY CORPORATION

APPLICATION #2924 / PUBLIC HEARING / DESIGN GUIDELINES FOR WEST FOREST STREET / BRIGHAM CITY CORPORATION

APPLICATION #2925 / PUBLIC HEARING / DESIGN GUIDELINES FOR HISTORICAL DOWNTOWN/ BRIGHAM CITY CORPORATION

~~**APPLICATION #2942 / CONDITIONAL USE PERMIT – HOME OCCUPATION / PRESCHOOL / 106 NORTH 100 EAST / REBECCA L. ULLMAN**~~

~~**APPLICATION #2951 / CONDITIONAL USE PERMIT – HOME OCCUPATION / PRESCHOOL / 831 SOUTH LAW DRIVE / HEIDI HEIL**~~

APPLICATION #2937 / PRELIMINARY PLAT – NORTH POINT SUBDIVISION / 905 NORTH HIGHWAY 38 / SWM SERVICES

PUBLIC INPUT:

DISCUSSION:

REGULAR MEETING

Commissioner Nielsen opened the regular meeting at 6:30 p.m. and Commissioner Poelman led the Pledge of Allegiance.

MOTION: A motion was made by Commissioner Poelman to amend the agenda to reflect the withdrawal of applications #2942 and #2951, by the applicants, to be continued to a later time. The motion was seconded by Commissioner Peterson and passed unanimously.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

MOTION: A motion was made by Commissioner Peterson to approve the work session minutes of July 03, 2007. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Commissioner Peterson to approve the regular meeting minutes of July 03, 2007. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Commissioner Poelman to accept the work session minutes of July 17, 2007. The motion was seconded by Commissioner Peterson and passed unanimously.

On line 108 of the July 17, 2007 regular meeting minutes, change 'less' patio homes to read 'fewer' patio homes.

MOTION: A motion was made by Commissioner McGaha to approve the regular meeting minutes of July 17, 2007 as amended. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2651 / PUBLIC HEARING / DESIGN GUIDELINES FOR 1100 SOUTH / BRIGHAM CITY CORPORATION

MOTION: A motion was made by Commissioner Peterson to open the public hearing for application #2651. The motion was seconded by Commissioner Poelman and passed unanimously.

There was no public input.

MOTION: A motion was made by Commissioner Peterson to close the public hearing for application #2651. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2924 / PUBLIC HEARING / DESIGN GUIDELINES FOR WEST FOREST STREET / BRIGHAM CITY CORPORATION

MOTION: A motion was made by Commissioner Poelman to open the public hearing for application #2924. The motion was seconded by Commissioner Peterson and passed unanimously.

There was no public input.

MOTION: A motion was made by Commissioner Peterson to close the public hearing for application #2924. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2925 / PUBLIC HEARING / DESIGN GUIDELINES FOR HISTORICAL DOWNTOWN/ BRIGHAM CITY CORPORATION

MOTION: A motion was made by Commissioner Peterson to open the public hearing for application #2925. The motion was seconded by Commissioner Poelman and passed unanimously.

Larry Douglas, Brigham City Museum Director, came forward. Mr. Douglas said he had been working with Architectural Nexxus and Design Workshop, the consultants, on the historic guidelines for Brigham City and they have incorporated some of his comments into the text. He said the Design Guidelines are coming along but they still need some work. There is some terminology that needs correcting, such as the word restoration, which has been used incorrectly throughout a lot of the text. One of the misuses in the term is in the table of contents. Mr. Douglas said that, overall, they are coming along okay. He selected some photographs to put in the document. He is writing all his comments down. Things that are not crystal clear to him, in the document, will not be crystal clear to developers or a layperson. Commissioner Nielsen asked Mr. Teuscher what the appropriate venue would be to provide his comments so they get back to the consultant. Mr. Teuscher replied that Mr. Douglas has been working directly with the consultants and suggested he get his comments to Design Workshop so they can make the changes. Mr. Douglas said he could email his comments to them. Commissioner Nielsen stated that, at this point, there is still some work to be done on all of the guidelines and the intent, at this meeting, is to continue all the guidelines until either the meeting of August 21 or September 4, 2007, depending on how long Staff

thinks it may take to make the changes. Mr. Teuscher suggested continuing all three guidelines to the September 4, 2007 meeting. Mr. Teuscher said the Design Guidelines will be reference documents to the Zoning Ordinance. He will schedule a public hearing on the amendment of the Design Review/Design Guideline chapter of the Zoning Ordinance and bring the revised guidelines back at that same time. Paul Larsen is overseeing the West Forest guidelines, Mark Teuscher is overseeing the 1100 South guidelines and Larry Douglas is overseeing the Historic Downtown guidelines.

Paul Larsen, Brigham City Economic Development Director, commented that in terms of comments of previous drafts of documents they have reviewed, Downtown is different than either Forest Street or 1100 South because what is being dealt with is partially existing environments in an already built context, whereas in the other areas, it is almost a blank slate. The concerns about compatibility with the historic architecture are not there; it is a matter of making sure good urban design concepts are incorporated. Commissioner Nielsen suggested that Mr. Douglas be able to review the final version of the document before it goes forward to City Council. Mr. Douglas said he would have his comments ready to send to Design Workshop by Friday, August 10, 2007.

MOTION: A motion was made by Commissioner Poelman to close the public hearing for application #2925. The motion was seconded by Commissioner Peterson and passed unanimously.

MOTION: A motion was made by Commissioner Poelman to continue applications 2651, 2924 and 2925 to the September 04, 2007 meeting. The motion was seconded by Commissioner Peterson and passed unanimously.

Tyrell Budge and Amanda from Design Workshop came forward. Commissioner Nielsen told them that no comment had been received from the public hearings on 1100 South and West Forest Street. Larry Douglas provided some comments on Historical Downtown and he will be getting those comments to them by the end of the week. The intent is to incorporate those comments and give Mr. Douglas a chance to review an updated copy of them and then revisit those on September 04, 2007. Barring any unexpected surprises, it is anticipated that those will be forwarded to City Council for recommendation for approval along with the implementing ordinance that Mr. Teuscher intends to have ready at that time.

~~**APPLICATION #2942 / CONDITIONAL USE PERMIT – HOME OCCUPATION / PRESCHOOL / 106 NORTH 100 EAST / REBECCA L. ULLMAN**~~
Withdrawn by the applicant.

~~**APPLICATION #2951 / CONDITIONAL USE PERMIT – HOME OCCUPATION / PRESCHOOL / 831 SOUTH LAW DRIVE / HEIDI HEIL**~~
Withdrawn by the applicant.

APPLICATION #2937 / PRELIMINARY PLAT – NORTH POINT SUBDIVISION / 905 NORTH HIGHWAY 38 / SWM SERVICES

Commissioner Nielsen commented that they had received a lengthy list of comments from Staff and Engineering and wanted to know if the applicant had received the same comments. Mr. Teuscher said the applicant had, indeed, received the same comments. Commissioner Nielsen told Mr. Mitchell that in a previous application with a similar lengthy list of Staff and Engineering comments, the Commission had asked the applicant to provide a detailed written response to all the comments and how they had been addressed. There are a lot of issues and since this is a large complicated subdivision, the members of the Planning Commission would like to be able to see that each comment has been addressed. There are also issues with coordination with irrigation concerns and water rights. Commissioner Nielsen said he would like to have Staff send the comments out, electronically, to Mr. Mitchell and his engineer so they can respond to each of the comments satisfactorily before moving the application forward.

Mr. Mitchell stated that the last time he talked with Mr. Teuscher he thought everything was on target except for the irrigators. He said he had met with his engineers and the City Engineers and the geotechnical and other concerns were dealt with. He said some of the concerns listed from the Staff should have been eliminated and it looked to him as if the comments had not been updated. Mr. Mitchell read a portion of the Staff evaluation. He said that in regards to line item number 22, on the evaluation, they have submitted a new plat with revisions and updates since those comments were made. Mr. Teuscher said they have addressed a lot of the issues but clarified that what the Planning Commission wanted was for him to have his engineer go through the Staff evaluation and make comments next to each item to specifically address the issues one by one. There are still a number of issues such as the fencing along SR-38 and other things. The irrigators need to provide written approval of the design. Mr. Mitchell said he would get that done. He said he had provided a plat to the irrigators and they would like more time to evaluate it.

Mr. Mitchell was concerned that he would not be able to get back for approval for another six weeks. Commissioner Nielsen said that Mr. Mitchell would not need to be present for the approval of this application; they just need to have the written approval of the irrigation design, from those who have irrigation rights, and a written explanation, from his engineer, addressing all the Staff comments, to be able to move this application forward. Mr. Teuscher suggested this

application could be ready to be reviewed again at the September 4, 2007 meeting as it was unlikely that all the required information would be available by the filing deadline for the August 21st meeting.

Alan Shakespear, Kory Wilde, water right owners, came forward. Max Reeder, Brigham Big Field Irrigation & Drainage Co. Secretary, also came forward. Commissioner Nielsen stated that the intent of the Commission was to protect the rights of everyone in that area and that those having irrigation rights in that area have had a chance to evaluate the plan submitted by Mr. Mitchell and will sign an agreement approving that. Once the Commission has that documentation, this application can move forward.

Mr. Shakespear said Mr. Mitchell had given them a plat with the proposed irrigation drawn on it but they have not been able to get all the parties involved together to evaluate it. Their biggest concern is the Benson spring, which resides on that property. They cannot pinpoint any single location where that spring originates because there is a collector system under there. There are differences of opinion as to where the significant area is. They pointed out the areas on the plat. The main concern Mr. Shakespear had were the proposed drain lines running under the road, at a depth of 4-feet, that are collecting ground water and routing it to the northwest. They have not been able to evaluate the impact of those ground drains to their spring water and if they will be pulling some of their spring water away from where their spring water has historically flown. He said the concept of the 20-foot easement looks like it may work for them but they have not had time to fully evaluate if that will work for them or not. Mr. Shakespear stated that Mr. Mitchell believes what he has proposed will improve their water situation and he may be right but they still need to get everyone together to completely evaluate it. Mr. Wilde commented that the concerns stated by Mr. Shakespear were basically the same concerns that he had.

Mr. Reeder stated that he was representing a different water right and company, which is the one farther to the west. He commented that he also needs to get his shareholders together to evaluate and vote on the proposal. Mr. Teuscher clarified that the proposal on the east irrigation line is to totally bury it. The western line is intended to be left open with a 20-foot easement that will be fenced-off from the properties it runs through. Both irrigation groups need to review the proposals and get a written response accepting the design. There will be two pipes, one on top of the other or side-by-side. There are two sources of water coming to these pipes, one is from off-site and the other is collecting the surface water. One will be a solid pipe that delivers the water that is off-site and the other will be an open perforated pipe that will collect the surface water. The issue is, there is a spring but they cannot tell where it is at. In essence, the entire length of the pipe will be a collection system for that spring water.

Commissioner Nielsen commented that before this application is revisited, they need to have those agreements signed and asked if it was practical to try to continue this to the September 4, 2007 meeting in the hope that everything will be done and ready by the August 22nd filing deadline so they can then move this forward to City Council. Those representing the irrigation-right holders commented that they felt they could accomplish the evaluations in that time frame.

MOTION: A motion was made by Commissioner Peterson to continue application #2937 to the September 4, 2007 meeting in order to obtain responses to the Staff comments and approval of the effected irrigation companies. The motion was seconded by Commissioner Poelman and passed unanimously.

PUBLIC INPUT:

There was no public input.

DISCUSSION:

There will be a meeting on August 15th with a developer on a preliminary concept design on 1100 South. A transportation impact study has to be done and needs to go through UDOT. It will effectively design a brand new intersection on 1100 South.

MOTION: A motion was made by Commissioner Poelman to adjourn. The motion was seconded by Commissioner Peterson and passed unanimously.

The meeting adjourned at 7:15 p.m.

This certifies that the regular meeting minutes of August 07, 2007 are a true and accurate copy as approved by the Planning Commission on August 21, 2007.

Signed: _____

Jeffery R. Leishman, Secretary